Procession in Mattancheri.

342. Mr. M. K. Raman.—Will the Government be pleased to answer the following questions:—(a) On the 14th Dhanu 1104, did the Mattancheri Town Police Sub-Inspector depute two Nayar Police constables to escort a Talapoly (താലപ്പൊലി) procession from Palliyarakkavu temple through some of the main public roads in Mattancheri;

(b) did two Ezhuva inhabitants of Cheralayi road complain to the Commissioner of Police that the said two constables compelled them to get out of their houses at mid-night and forced them to go into a lane on the ground that the procession would be polluted by their presence in their dwelling place on the side of the road;

(c) if so, did the Commissioner enquire whether the said Nayar constables behaved so; what action has been taken in the matter;

(d) did another Ezhuva constable attached to the same Town Station who was then engaged on patrol duty on the road in question also complain to the Commissioner that he was also ill-treated by the said Nayar constables on the ground of pollution;

(e) were the said constables deputed with the authority to remove Ezhuvas and other non-caste Hindus from the said road;

f have the Government taken any steps to give an exemplary punishment to the Nayar constables, who have by their aggressive acts insulted the self-respect of a vast majority of His Highness' subjects.

Mr. P. Nilakanta Menon.—(a) Yes.

(b) No.

(c) No answer is necessary in view of the reply to (b) above.

(d) Yes.

(e) They were deputed to preserve peace and order.

(f) No answer is necessary in view of the answer to (b) above.

Mr. M. K. Raman.—Was there a petition of one shopkeeper, B. K. Bava, together with the signature of Velayudhan Sreedharan, to the Commissioner, dated 18th Dhanu 1104, that these two Ezhuvas were compelled to get out of their houses at mid-night?

Mr. P. Nilakanta Menon.—I do not remember to have received such a petition. So I want notice.

Mr. M. K. Raman.—With regard to (e), this is not an answer to my question. My question was whether they were

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authorised to remove Ezhuvas and other non-caste Hindus from the said road. The answer that they were deputed to preserve peace and order is not an answer to my question.

President.—Are you capable of giving the necessary answer ?

Mr. P. Nilakanta Menon.—It all depends upon circumstances. There may be necessity to remove them to keep peace and order. You cannot anticipate. In fact they were charged with the duty of keeping order during the procession.

President.—The question asked is whether they were not authorised to remove Ezhuvas ?

Mr. P. Nilakanta Menon.—No.

President.—So that no instruction has been given that they are authorised to remove Ezhuvas and others.

Mr. P. Nilakanta Menon.—No definite instruction.

Mr. M. K. Raman.—Is there any general instruction ? My question is whether the constables were authorised to remove Ezhuvas and other non-caste Hindus from the road. I am not concerned with the question of peace and order. That must be preserved. If a man is living on the side of the road, and if the procession is to pass, whether these constables are authorised to remove them from the road ?

Mr. P. Nilakanta Menon.—It all depends upon the circumstances. If the man on duty anticipates any breach of peace, of course it would be up to him to remove the obstacle and bring about peace.

President.—They have a right to stand on the road, when the procession passes.

Mr. P. Nilakanta Menon.—They have no right ; they must not pollute the procession.

President.—So they had an implied authority then although it was not an express authority.

Mr. P. Nilakanta Menon.—It all depends upon the behaviour of the crowd.

Mr. M. K. Raman.—The Hon'ble Member answered that an Ezhuva should not pollute the procession. Then it is a question of pollution.

Mr. P. Nilakanta Menon.—Not exactly, Sir.

Mr. M. K. Raman.—I am very glad to get an answer like that.

President.—I think it is not on account of pollution.

Mr. P. Nilakanta Menon.—No, no, Sir.

Mr. M. K. Raman.—If an Ezhuva is making lawful use of a road, he will not be disturbed. Constables are not authorised to remove those who are found making lawful use of it.

Mr. P. Nilakanta Menon.—Yes.

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President.—In this particular case were they removed?

Mr. M. K. Raman.—There is a complaint from the shopkeeper and two Ezhuvas that they were removed from their houses at midnight. They were sleeping there. Was a petition from B. K. Bava and two Ezhuvas received by the Commissioner?

President.—He does not remember. It is likely to offend the people if you say that they have no right to make use of the road. Will it be justifiable to say that, as there is a certain performance, they can not use the road?

Mr. M. K. Raman.—Let the Magistrate pass an injunction order.

President.—All classes of His Highness' subjects have a legitimate right to use the public roads without reference to caste, creed or religion. Certain roads are preserved, like the Trippunittura road and the Irinjalakkuda Temple road, but they only are half a mile in length. They can use any road lawfully. Now in this case was there any unlawful use of the road?

Mr. P. Nilakanta Menon.—He disturbed the procession.

Mr. M. K. Raman.—I think that there was no objection that they disturbed the procession.

President.—If any person is walking on the road and obstructs the procession, then it is unlawful use of the road.

Mr. M. K. Raman.—But then in this particular case they were actually sleeping.

Mr. P. Nilakanta Menon.—I have not received a petition to that effect.

President.—He does not remember to have received any complaint, and now that the matter has been brought in the Council, he will look into the matter.

Mr. P. Nilakanta Menon.—If they make a lawful use of the road, they will not be disturbed.

President.—It follows from the statement.

Mr. P. Nilakanta Menon.—Yes.

Mr. M. K. Raman.—Then (d). Did that Ezhuva constable complain to the Commissioner? It is one of their kith and kin. Did the Commissioner inquire into the matter?

Mr. P. Nilakanta Menon.—Yes.

Mr. M. K. Raman.—So that this Ezhuva constable was removed from the road on account of pollution?

Mr. P. Nilakanta Menon.—No, no.

Mr. M. K. Raman.—Is the petition by the Ezhuva constable that he was removed by the two Nayar constables disposed of?

Mr. P. Nilakanta Menon.—This constable has deserted the force.

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Mr. M. K. Raman.—Is the matter disposed of?

Mr. P. Nilakanta Menon.—It is still pending.

Suits in the Trichur District Court.

343. Mr. A. Eachara Menon.—Will the Government be pleased to state:—

(a) the number of original suits filed in the Trichur District Court in the years 1100, 1101, 1102 and 1103;

(b) the number of appeals filed in that court in the same years;

(c) the number and consequent percentage of such cases from Chittur?

Mr. U. Kandar Menon.—(a), (b) and (c). A statement is appended. (*Vide Appendix III.*)

Elephant Kraal.

344. Mr. C. A. Kunjunni Raja.—Will the Government be pleased to state:—

(a) who was the contractor for the late repairs of the elephant kraal at Chemony in Palappilli range and how much timber was sanctioned for its repairs and how much timber was actually used for the same?

Mr. K. Govinda Menon.—(a) (i) Mr. C. L. Mathew.

(ii) Timber sanctioned was candies 11—19—20—0½ and utilised: Cds. 7—23—8—1.

Mr. C. A. Kunjunni Raja.—I take objection to this way of answering questions. My question contained several sub-divisions out of which one sub-division is selected and answered. The object of the question was to bring out the irregularity in the measurements. It will be found that the balance after repairs is 10 and odd candies.

President.—It is not proper to take up one sub-division and leave the others unanswered. Either wait for the answers to all the sub-divisions or do not answer at all, and this rule will be kept up. If the questions are isolated, nothing can be made up from the answer. No inference can be drawn. How many sub-divisions were there in the question?

Mr. U. Kandar Menon.—Till (g).

President.—Have not the answers to the other sub-divisions been received?

Mr. U. Kandar Menon.—No.

President.—Then you must reserve the answers until the answers to all the sub-divisions come. This is not the first time that such things are brought to the notice of the House. You can give all the answers together including this answer also, so that all may appear together.

Mr. U. Kandar Menon.—Yes, Sir.

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